

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.365 of 2022

Swagatika Achary

....

Petitioner

-versus-

Taresa Kumar Achari

....

Opposite Party

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

07.12.2022

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. A. Das, learned counsel for the Petitioner and Mr. P.S. Nayak, learned counsel appearing for the Opp. Party.
3. This transfer petition has been filed seeking transfer of C.P. No. 206 of 2022 pending in the Court of learned Judge, Family Court, Panposh, Rourkela to the Court of learned Judge, Family Court, Berhampur.
4. It is contended that though the Opp. Party is a permanent resident of Aska in the district of Ganjam, as because he is doing his business at Rourkela he has filed the proceeding before the learned Judge, Family Court, Panposh, Rourkela. It is also contended that the Petitioner has lost her father in the meantime and she has got no source of income to attend the Court at Rourkela.
5. Mr. Nayak, learned counsel appearing for the Opp. Party on the other hand submitted that if the matter will be transferred to a Court in between, then both the Parties can appear in the proceeding.

6. Having heard learned counsel for the Parties and taking into account the fact that the Opp. Party is a permanent resident of Aska and he has filed the proceeding at Rourkela, this Court is not inclined to accept the submission of Mr. Nayak. Accordingly, taking into account the grounds taken in the transfer petition and the decisions governing the field, this Court is inclined to allow the prayer for transfer. Accordingly, this Court directs learned Judge, Family Court, Panposh, Rourkela to transfer C.P. No. 206 of 2022 to the Court of learned Judge, Family Court, Berhampur, Ganjam forthwith on receipt of this order.

7. The transfer petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

